



***United States Trustee Program***

***Office of the United States Trustee  
Region 8 - Nashville, Tennessee***

***Operating Guidelines and  
Reporting Requirements for  
Small Business Chapter 11 Cases***

**OPERATING GUIDELINES AND REPORTING**  
**REQUIREMENTS FOR SMALL BUSINESS (28 U.S.C. 101(51)(D)) CH. 11 CASES**  
**FILED IN THE MIDDLE DISTRICT OF TENNESSEE**

**INTRODUCTION**

Section 586(a)(3) of Title 28 of the UNITED STATES CODE provides that the United States Trustee shall supervise the administration of Chapter 11 cases within the Region for which such United States Trustee is appointed. Pursuant to that section, the United States Trustee for Region 8, which is comprised of the judicial districts of the States of Kentucky and Tennessee, has promulgated the following requirements for debtors in possession and appointed trustees in Chapter 11 cases.

Rule 9034, Federal Rules of Bankruptcy Procedure ("FRBP"), requires that the U.S. Trustee be served with copies of all papers filed in the case. Unless you are specifically directed otherwise, communications to or documents to be served upon the U.S. Trustee should be directed to the attention of Beth Roberts Derrick, Assistant U.S. Trustee, Suite 318, 701 Broadway, Nashville, TN 37203-3946.

All certifications, reports, documents, and any other papers required by the Office of the United States Trustee which are to be signed by the debtor must be signed by the debtor or an authorized principal of the debtor. Failure of the debtor or an authorized principal to sign, or signing by any other party, including debtor's counsel or accountant, will render the document incomplete. Joint debtors may file one set of operating reports each month, but both debtors must sign every report.

**TIMELY COMPLIANCE WITH EACH OF THE FOLLOWING REQUIREMENTS IS MANDATORY. FAILURE TO COMPLY WITH ANY REQUIREMENT MAY RESULT IN THE U.S. TRUSTEE OR OTHER PARTIES MOVING TO DISMISS OR CONVERT YOUR CASE, FOR THE APPOINTMENT OF A TRUSTEE OR EXAMINER, OR THE IMPOSITION OF OTHER SANCTIONS.**

**ANY REQUESTS FOR MODIFICATION OF ANY OF THESE REQUIREMENTS MUST BE MADE IN WRITING AND APPROVED IN WRITING BY THE OFFICE OF THE UNITED STATES TRUSTEE.**

## GUIDELINES AND REQUIREMENTS

### 1. GENERAL REQUIREMENTS

- A. Complete statements of financial affairs and complete schedules of liabilities and assets must be filed either with the petition commencing the case or within 15 days of the commencement of the case. A list of the 20 largest unsecured creditors (excluding insiders), the most recent balance sheet, statement of operations, cash-flow statement and federal income tax return must be filed with the petition upon commencement of the case.
- B. Debtors in Possession attend, through senior management and counsel, meetings scheduled by the court or the U.S. Trustee, including initial debtor interviews, scheduling conferences, and meeting of creditors convened under 11 U.S.C. Section 341.
- C. The debtor may not pay debts owed before the commencement of the case ("pre-petition debts") except as allowed by the Bankruptcy Court. This prohibition includes home mortgages, wages, vehicle loans, etc. Additionally, no assets may be sold or disposed of except as allowed by and upon compliance with §363 of the Code and the Bankruptcy Rules governing sales.

Requests for payment of pre-petition wages must be accompanied by a detailed list of persons and amounts to be paid. Agreed orders for adequate protection must include description of the collateral, the value of the collateral as of the petition date, the current value of the collateral, and the rate of depreciation of the collateral or other factors affecting the value of the collateral.

- D. The debtor may not pay any professionals, such as attorneys, accountants, or appraisers, without Court approval. Judicial approval of employment of such professionals must be obtained prior to the rendering of any services.
- E. Except for compensation to professionals, the debtor must pay in full when due all new obligations arising after the filing of the petition ("post-petition").
- F. The debtor may not use cash collateral (as defined by §363) without the consent of the secured creditor or the approval of the Court. Requests for use of cash collateral shall be accompanied by a budget, a statement as to the notice provided to creditors, and a statement whether the secured creditor(s) consents to the use of cash collateral. To avoid an objection, counsel should consult with the United States Trustee prior to entering an agreed order for adequate protection.

- G. The debtor may obtain credit or incur secured or unsecured debt only upon the Court's approval unless the credit or debt is within the established pre-petition ordinary course of business.
- H. The debtor must obtain approval of the Court to use, sell, or lease property of the estate, unless the use, sale or lease of property is within the established pre-petition ordinary course of business of the debtor.

2. BANK ACCOUNTS

- A. Immediately upon the filing of the petition, the debtor shall close any bank account over which the debtor has possession or control at the time of filing.
- B. Immediately upon the filing of the petition, the debtor shall open at least one debtor in possession account. If the debtor uses cash collateral, separate cash collateral accounts must be established and maintained pursuant to 11 U.S.C. §363(c)(4). Attached is a "Debtor-in-possession Statement for Depository" including a listing of depositories which have agreed to comply with the guidelines of the U.S. Trustee, which are attached to the listing. The debtor must complete this statement and present it to the depository to open the debtor in possession accounts.
- C. Ensure that the depository imprints the name of the debtor, the designation "Debtor in Possession" (not DIP), and the case number on all permanent checks. (The debtor must type or print all of the foregoing information on temporary checks.) The new account signature cards shall clearly indicate that the debtor is a "Chapter 11 Debtor in Possession". As proof that the foregoing has been done, the U.S. Trustee must be furnished with a "voided" sample of the permanent checks.
- D. Deposit all receipts and make all disbursements through the debtor in possession accounts. This includes post-petition personal services income (wages, etc.). Any funds in excess of those required for current operations should be maintained in an interest-bearing account.
- E. In the event the depository refuses to comply with the U.S. Trustee guidelines, the debtor must move the accounts to another depository within a reasonable time after notice from the U.S. Trustee; such reasonable time shall not exceed 30 days.
- F. When a trustee is appointed to succeed a debtor in possession, the trustee may continue previously opened and maintained debtor in possession accounts, but must ensure that the accounts and checks reflect the trustee's name and title along with the name of the debtor and the case number.

3. INSURANCE

- A. All debtors must maintain insurance and make all insurance premium payments when due.
- B. Debtor shall immediately notify the U.S. Trustee of the expiration, termination, or renewal of any coverage and shall immediately provide the U.S. Trustee with adequate proof of renewal or replacement coverage.

4. TAXES

- A. The debtor should file returns for, but not pay, all the pre-petition taxes, including sales taxes, as soon as possible after the date of the filing of the petition. A copy of each return shall be served on the U.S. Trustee.
- B. The debtor shall pay any post-petition tax liability associated with the debtor's payroll, in accordance with the most recent edition of the Internal Revenue Service's Circular E Publication, and state and local taxing authority guidelines, unless a Court order or other order of the taxing authority requires otherwise.
- C. All tax returns and reports for post-petition obligations shall be timely filed, and accompanied by payment in full of any tax liability. A copy of each return, and verification of payment of taxes due, shall be served on the U.S. Trustee.

5. INITIAL DEBTOR CONFERENCE

Senior Management (refer to local rule 4002-1) along with debtor's counsel and accountant must attend an initial debtor conference. These meetings will be conducted by an attorney and analyst from the Office of the United States Trustee generally within eight (8) working days after the filing of the petition. In addition to informing the debtor of its obligations in bankruptcy, the U.S. Trustee will begin to assess the viability of the debtor and inquire about the debtor's plan to reorganize.

The debtor is required to produce the following documents at the initial debtor conference, as detailed on the attached Initial Report Checklist:

- A. Completed "Initial Report Checklist". (Exhibit A)
- B. Completed "Information for Initial Debtor Conference". (Exhibit B)
- C. Completed "Certification of Receipt of Operating Guidelines and Designation of Specific Individuals". (Exhibit C)

- D. Completed "Bank Account Declaration of Debtor" (Exhibit D) under penalty of perjury verifying the closing of all pre-petition bank accounts and stating the date each account was closed and that all monies were transferred to the new debtor in possession bank accounts. Voided permanent checks from the new account(s) must be attached.
- E. Completed "Insurance Expiration Statement" (Exhibit E) and proof of the following insurance coverages:
- (1) Casualty insurance must be maintained at an amount at least equal to the replacement value of tangible assets susceptible to casualty loss (fire, weather, theft, vandalism, etc.);
  - (2) Workers' compensation insurance and unemployment insurance must be maintained if the debtor has employees;
  - (3) General liability and, if appropriate, product liability insurance must be maintained if the debtor conducts business operations;
  - (4) Life insurance on key personnel; and
  - (5) Any other insurance customary in the debtor's business.

The debtor shall, at the initial debtor interview, provide the U.S. Trustee with a copy of the insurance binder or the first page of all policies, showing the nature of coverage, coverage amounts and expiration dates.

- F. Three most recently filed Federal Income Tax Returns and most recent Personal Property Tax Return with all schedules and attachments.
- G. Most recently prepared financial statements, audited as well as unaudited, including but not limited to, balance sheets, income statements, inventory statements, accounts receivable and accounts payable statements, and tax reconciliations.
- H. Monthly cash receipts and disbursement projections for the next twelve months.

I. BOOKS AND RECORDS

The books and records of the debtor must be closed as of the date of the filing of the petition. The debtor must open a new set of books and records, and must provide separate accounting with respect to pre-petition and post-petition accounts and transactions.

J. PHYSICAL INVENTORY

Within thirty (30) days, of filing the petition, the debtor shall provide the U.S. Trustee with a physical inventory as of the date of the filing of the petition. The inventory shall indicate itemized values at cost and fair market value. This requirement may be satisfied by submission of Schedule B if sufficient detail is provided.

K. CREDITORS MEETINGS

Section 341 of the BANKRUPTCY CODE requires a meeting of creditors in each case absent court order. This meeting is scheduled by the Office of the United States Trustee, and notice of the meeting is sent to all creditors. Senior management and debtor's counsel are required to attend. Local Rule 4002-1 designates persons to act when the debtor is not an individual. Requests for waiver of or relief from local rules must be upon application to and approval by the court. The debtor's representative should have knowledge of and be familiar with the operation of the debtor's business and the bankruptcy proceeding. In addition, the debtor in possession's accountant/bookkeeper should be available for examination at the §341 meeting. The U.S. Trustee may also request, through debtor's counsel, that additional representatives of the debtor attend the §341 meeting and be available for examination. If debtor's first monthly operating report is due prior to the §341 meeting, the debtor must file the report with the court by the due date. It is recommended that the debtor prepare and file the first monthly operating report prior to the §341 meeting even though the first report may not be due until after the date of the meeting. After notice of the §341 meeting has been mailed, meetings cannot be cancelled or rescheduled to accommodate conflicts with the schedule of the debtor or the debtor's attorney, except in extraordinary situations. The debtor's counsel must contact the Office of the United States Trustee to request that the meeting be rescheduled. If the request is approved, the debtor's counsel must certify to the Court that adequate notice of the rescheduled meeting has been sent to all parties in interest.

An attorney for the U.S. Trustee will preside at the §341 meeting, administer the oaths/affirmations, and examine the debtor and/or other appropriate person(s). No written minutes will be kept at the meeting. The meeting will be recorded. All compact discs (CDs) will be stored by the Office of the United States Trustee for a period of not less than two years from the conclusion of the meeting, at which time the tapes will be erased, absent any requests to the contrary. Requests for copies of CDs of the §341 meeting must be made in writing to the Office of the United States Trustee, 318 Customs House, 701 Broadway, Nashville, Tennessee 37203, attn: Angela Greer. The request must include: case name, case number, chapter, trustee name, date and time of §341 meeting.

The debtor, or the debtor's representative, must bring to the meeting of creditors two forms of identification: one proof of his/her social security number and one photo identification. Failure to provide the necessary proof of identity shall result in the United States Trustee moving of dismissal or conversion of the case.

L. QUARTERLY FEES

Debtors in possession and trustees in Chapter 11 cases are required to pay a quarterly fee to the U.S. Trustee every quarter from the time the petition is filed through the quarter in which the case is dismissed, converted to another chapter, or closed by the bankruptcy court. If a case is pending under Chapter 11 for even one day during a quarter, payment of the fee for that quarter is required. The amount of the quarterly fee depends upon the dollar amount of the debtor's disbursements during each calendar quarter starting the date the petition is filed. The minimum fee is due each quarter even if no disbursements are made during that quarter. Quarterly fees continue to be calculated on all disbursements even after a plan is confirmed. The current fee schedule is as follows:

FEE SCHEDULE

<u>TOTAL QUARTERLY DISBURSEMENTS</u>	<u>QUARTERLY FEE</u>
\$ 0 - \$ 14,999.99	\$ 250
15,000 - 74,999.99	500
75,000 - 149,999.99	750
150,000 - 224,999.99	1,250
225,000 - 299,999.99	1,500
300,000 - 999,999.99	3,750
1,000,000 - 1,999,999.99	5,000
2,000,000 - 2,999,999.99	7,500
3,000,000 - 4,999,999.99	8,000
5,000,000 - Or more	10,000

Fees are to be paid according to the following schedule:

<u>QUARTER</u>	<u>ENDING</u>	<u>DUE DATE FOR PAYMENT</u>
1st Quarter	Jan-Feb-Mar	Mar. 31
2nd Quarter	April-May-June	June 30
3rd Quarter	July-Aug-Sept	Sept. 30
4th Quarter	Oct-Nov-Dec	Dec. 31

A plan of reorganization must provide for payment of all quarterly fees, or it cannot be confirmed. The U.S. Trustee may object to dismissal of any case in which outstanding fees are owed. Each debtor will receive a statement regarding the fee prior to each of the due dates. Completion of this statement is required by FRBP 2015(a)(5).



Each statement contains a payment stub which must be returned along with the debtor's check, MADE PAYABLE TO "UNITED STATES TRUSTEE", to the following address: United States Trustee, P.O. Box 198246, Atlanta, Georgia 30384. The debtor's account number, which can be obtained from the statement, should be written on the face of the check. If you do not receive the proper form or a bill from the Executive Office of United States Trustees, contact the Office of the United States Trustee in Nashville. Direct all correspondence and questions regarding your account to the Office of the United States Trustee in Nashville. **THE ADDRESS GIVEN IS A LOCKBOX AT A BANK. IT MAY NOT BE USED FOR SERVICE OF PROCESS, CORRESPONDENCE, OR FOR ANY PURPOSE OTHER THAN PAYMENT OF QUARTERLY FEES.** If any check is returned for insufficient funds, all future quarterly payments must be made by cashier's check, certified funds, or money order.

***FAILURE TO PAY THE QUARTERLY FEE IS CAUSE FOR CONVERSION OR DISMISSAL OF YOUR CHAPTER 11 UNDER §1112(b)(10) OF THE BANKRUPTCY CODE. FILING A FALSE REPORT MAY SUBJECT YOU TO CIVIL LIABILITY UNDER 31 U.S.C. §3729(a)(7) AND TO CRIMINAL PENALTIES UNDER 18 U.S.C. §1001 and 18 U.S.C. §1621.***

**DISCLOSURE OF INTENT TO USE TAXPAYER IDENTIFYING NUMBER FOR THE PURPOSE OF COLLECTING AND REPORTING DELINQUENT QUARTERLY FEES OWED TO THE U.S. TRUSTEE PURSUANT TO 28 U.S.C. 1930(A)(6)**

Please be advised that, pursuant to the Debt Collection Improvements Act of 1996, Public Law 104-134, Title III, §31001(i)(3)(A), 110 Stat. 1321-365, codified at 31 U.S.C. §3701, the U.S. Trustee intends to use the debtor's Taxpayer Identifying Number ("TIN") as reported by the debtor or debtor's counsel in connection with the chapter 11 bankruptcy proceedings for the purpose of collecting and reporting on any delinquent debt, including chapter 11 quarterly fees, that are owed to the U.S. Trustee.

The U.S. Trustee will provide the debtor's TIN to the U.S. Department of Treasury for its use in attempting to collect overdue debts. Treasury may take the following steps: (1) submit the debt to the Internal Revenue Service Offset Program so that the amount owed may be deducted from any payment made by the federal government to the debtor, including but not limited to tax refunds, (2) report the delinquency to credit reporting agencies, (3) send collection notices to the debtor, (4) engage private collection agencies to collect the debt, and (5) engage the United States Attorney's office to sue for collection. Collection costs will be added to the total amount of the debt.

M. MONTHLY OPERATING REPORTS

- A. Pursuant to 11 U.S.C. Section 1116(4), monthly operating reports shall be filed with the Clerk of the Bankruptcy Court. Monthly reports are required until a Chapter 11 plan is confirmed, or the case is dismissed or converted. Forms for the monthly report are enclosed.
- B. All operating reports must be filed by the 15th day of the month following the month covered by the report. Debtors must use the report forms provided by the Office of the U.S. Trustee at the initial debtor conference.
- C. In addition to the requirements and the instructions provided with the forms, note the following:
  - (1) All forms must be complete and accurate. The forms must be legible.
  - (2) You should make additional copies of the blank forms provided by the Office of the United States Trustee to meet your filing needs or access the forms on the U.S. Trustee website:  
[www.usdoj.gov/ust/r08/tennessee/nashville\\_staff.htm](http://www.usdoj.gov/ust/r08/tennessee/nashville_staff.htm).
  - (3) Local Rules may require additional reporting by the debtor. The U.S. Trustee has no authority to waive matters required by Local Rules, unless the rules provide such authority.
  - (4) The reports, declarations, statements, and any documents which require the signature of the debtor or representative of the debtor must be signed by the debtor or an authorized representative of the debtor. Signatures of debtor's counsel or accountant are not sufficient and will render the document incomplete. Joint debtors may file one set of operating reports each month, but both debtors must sign every report.
- D. The U.S. Trustee may require additional information or reports reasonably necessary in supervising the administration of the estate.

N. POST-CONFIRMATION REPORTING

Chapter 11 debtors with a confirmed plan must file with the Clerk within thirty days after the effective date of the plan, and thereafter on March 15 and September 15 of each year, a report concerning the action taken and the progress made toward consummation of the plan. Copies of the reports must be served on the U. S. Trustee pursuant to F.R.B.P. 2002(k). The reports due on March 15 should report activity from September 1 through February 28; the reports due on September 15 should report activity from March 1 through August 31. These semi-annual reports are due on a continuing basis until a Final Decree is entered in the Chapter 11 case or the case is dismissed or converted. Please contact the U.S. Trustee to obtain suggested forms to meet this requirement.

THE UNITED STATES TRUSTEE MAY REVISE, MODIFY, OR AMEND THESE GUIDELINES AND REQUIREMENTS FROM TIME TO TIME, AND AS IS APPROPRIATE IN AN INDIVIDUAL CASE. COMMENTS OR SUGGESTIONS REGARDING THESE GUIDELINES OR OTHER POLICIES AND PROCEDURES OF THE OFFICE OF THE UNITED STATES TRUSTEE ARE SOUGHT AND APPRECIATED, AND SHOULD BE DIRECTED TO THE NASHVILLE OFFICE OF THE UNITED STATES TRUSTEE.

UNITED STATES TRUSTEE  
REGION 8  
KENTUCKY/TENNESSEE

Attachment: Chapter 11 Initial Report Instructions and Exhibits

## UNITED STATES TRUSTEE - REGION 8

### CHAPTER 11 INITIAL REPORT INSTRUCTIONS

The Initial Report has been designed to provide the United States Trustee with basic information about the debtor and ensure that the debtor successfully emerges from Chapter 11 without unnecessary delay or expense. This Instruction Page is for the debtor's information in preparing the various documents which will comprise the Initial Report. **THE INITIAL REPORT SHOULD BE COMPLETED IN ITS ENTIRETY FOR THE INITIAL DEBTOR CONFERENCE.**

The items to be included in the Initial Report are as follows:

1. **Initial Report Checklist.** Exhibit A should be completed indicating the other documents to be supplied at the initial conference.
2. **Initial Debtor Conference Information Sheet.** Exhibit B consists of two pages identifying areas of concern which will be addressed during the initial conference. All debtors should complete this document and bring supporting information relevant to these areas of concern (if applicable) to the initial conference.
3. **Certification of Receipt of Operating Guidelines and Designation of Specific Individuals.** All debtors are required to attest to their receipt of the operating guidelines and reporting requirements on Exhibit C. Debtors must also designate the individual who will be responsible for discharging the duties of the debtor-in-possession. This person will be expected to attend the initial conference, the §341(a) meeting of creditors, disclosure statement hearing, confirmation hearing and any other significant hearings convened in this case. Debtors must also designate the individual who will be responsible for preparing all financial reports required by the Court or United States Trustee.
4. **Bank Account Declaration of Debtor.** All prepetition bank accounts are required to be closed as of the date the Petition is filed and new debtor-in-possession accounts opened. All debtors must declare on Exhibit D under penalty of perjury the location of their prepetition and postpetition bank accounts. Also included in Exhibit D is a Statement for Depository, listing the signatories on the new accounts, and a list of financial institutions, one of which should be utilized for the new accounts. Debtors should bring with them verification of account designations and account numbers, along with a sample copy of a voided check on each account.
5. **Insurance Expiration Statement.** All debtors are required to declare the current status of their insurance policies on Exhibit E. The operating guidelines provide details on the type coverages that are required. Copies of the declaration pages from the policies must be attached to Exhibit E.
6. **Cash Flow Projections.** Debtors are to provide a statement of projected cash receipts and disbursements for each month of the next twelve-month period.
7. All other documents listed on attached **Initial Report Checklist.**

INITIAL REPORT CHECKLIST

CASE NAME: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_

Please check items supplied at Initial Debtor Conference:

- { } INFORMATION FOR INITIAL DEBTOR CONFERENCE IS COMPLETED AND ATTACHED (Exhibit B).
- { } CERTIFICATION OF RECEIPT OF OPERATING GUIDELINES AND DESIGNATION OF SPECIFIC INDIVIDUALS IS COMPLETED AND ATTACHED (Exhibit C).
- { } BANK ACCOUNT DECLARATION OF DEBTOR AND DEBTOR-IN-POSSESSION STATEMENT FOR DEPOSITORY IS COMPLETED AND ATTACHED (Exhibit D), ALONG WITH VOIDED CHECKS FROM NEW BANK ACCOUNTS.
- { } INSURANCE EXPIRATION STATEMENT IS COMPLETED AND ATTACHED (Exhibit E), ALONG WITH COPIES OF INSURANCE POLICIES AND VERIFICATION THAT THE UNITED STATES TRUSTEE WILL BE NOTIFIED IN THE EVENT OF MATERIAL CHANGE, CANCELLATION OR NONRENEWAL OF THE POLICIES.
- { } COPIES OF THE LAST THREE FEDERAL INCOME TAX RETURNS FILED, ALONG WITH ALL SCHEDULES AND ATTACHMENTS, AND A COPY OF THE LAST PERSONAL PROPERTY RETURN ARE ATTACHED.
- { } COPIES OF THE MOST RECENT FINANCIAL STATEMENTS, AUDITED AND/OR UNAUDITED, FOR THE DEBTOR ARE ATTACHED.
- { } MONTHLY CASH RECEIPTS AND DISBURSEMENT PROJECTIONS FOR THE NEXT TWELVE MONTHS.

INFORMATION FOR INITIAL DEBTOR CONFERENCE AND  
CERTIFICATION OF PERMISSION FOR DIRECT DEBTOR CONTACT

CASE NAME: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_

BUSINESS INFORMATION:

NATURE OF BUSINESS: \_\_\_\_\_

NUMBER OF EMPLOYEES: \_\_\_\_\_ DATE STARTED/INCORPORATED: \_\_\_\_\_

CORPORATE OFFICERS, PARTNERS OR SOLE PROPRIETOR:

NAME	TITLE	% OF OWNERSHIP	SALARY(past 12 mos.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CONDITIONS WHICH CAUSED THE CHAPTER 11 PETITION TO BE FILED: \_\_\_\_\_

PROPOSED PLAN OF REORGANIZATION: \_\_\_\_\_

FINANCIAL CONDITION AS OF FILING DATE (ESTIMATES ARE ACCEPTABLE):

CASH: \_\_\_\_\_ INVENTORY: \_\_\_\_\_

ACCTS. RECEIVABLE (TOTAL): \_\_\_\_\_ AMOUNT UNCOLLECTIBLE: \_\_\_\_\_

FIXTURES & EQUIPMENT: \_\_\_\_\_ VEHICLES: \_\_\_\_\_

REAL ESTATE (ATTACH ADDITIONAL SHEETS AS NECESSARY):

LOCATION/DESCRIPTION	VALUE	DEBT	LIEN HOLDER
_____	_____	_____	_____
_____	_____	_____	_____

AMOUNTS DUE FROM OFFICERS/DIRECTORS/SHAREHOLDERS: \_\_\_\_\_

OTHER SIGNIFICANT ASSETS: \_\_\_\_\_

TAXES OWED:

TAXING AUTHORITY	AMOUNT
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_____	_____
_____	_____
_____	_____

WAGES OWED: \_\_\_\_\_ # CLAIMS: \_\_\_\_\_

RENT OWED: \_\_\_\_\_ MOS. IN ARREARS: \_\_\_\_\_

OWING UNSECURED/TRADE ACCOUNTS: \_\_\_\_\_ # OF ACCTS: \_\_\_\_\_

AMOUNTS DUE TO OFFICERS/DIRECTORS/SHAREHOLDERS: \_\_\_\_\_

SECURED DEBTS (DO NOT REPEAT OBLIGATIONS LISTED UNDER REAL ESTATE):

SECURED PARTY	AMOUNT	COLLATERAL
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATION OF PERMISSION FOR DIRECT DEBTOR CONTACT

The undersigned, as counsel for the debtor, hereby grants permission for a bankruptcy analyst of the U.S. Trustee's Office to contact the debtor directly regarding books and records of the debtor, monthly operating reports, U.S. Trustee quarterly fees, and other administrative matters.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Attorney for Debtor)

CERTIFICATION OF RECEIPT OF OPERATING GUIDELINES  
AND DESIGNATION OF SPECIFIC INDIVIDUALS

CASE NAME: \_\_\_\_\_

CASE NO.: \_\_\_\_\_

I hereby certify that I have received from the Office of the United States Trustee the Operating Guidelines and Reporting Requirements for Chapter 11 Cases. Further, I hereby certify that I have read and understand the guidelines and requirements, and I agree to perform in accordance with said guidelines and requirements. I also designate below, as provided under Bankruptcy Rule 9001(5), the individual responsible for discharging the duties of the Debtor under 11 U.S.C. §1107 and as may be required by the Court or the United States Trustee. Also designated is the individual responsible for the preparation of all financial reports as required by the Court or the United States Trustee.

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Signature)

\_\_\_\_\_  
 (Printed Name of Signatory)

\_\_\_\_\_  
 (Title)

OTHER DUTIES OF DEBTOR:

PREPARATION OF FINANCIAL REPORTS:

BY: \_\_\_\_\_  
 (Signature)

BY: \_\_\_\_\_  
 (Signature)

NAME: \_\_\_\_\_  
 (Print or type)

NAME: \_\_\_\_\_  
 (Print or type)

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

The undersigned, as counsel for the debtor, has read and reviewed with the debtor, the operating guidelines and reporting requirements discussed above.

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Attorney for Debtor)



BANK ACCOUNT DECLARATION OF DEBTOR

CASE NAME: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_

I hereby declare under penalty of perjury that all prepetition bank accounts of the above-captioned debtor were closed, as listed below\*:

Depository Name	Account Name	Account Number	Date Closed/ Closing Balance
_____	_____	_____	_____/____
_____	_____	_____	_____/____
_____	_____	_____	_____/____

I further declare under penalty of perjury that all monies have been transferred to the following debtor in possession bank accounts\*:

Depository Name	Account Name	Account Number	Date Opened/ Opening Balance
_____	_____	_____	_____/____
_____	_____	_____	_____/____
_____	_____	_____	_____/____

I declare under penalty of perjury that the information provided above and on any attachment hereto is true to the best of my knowledge and belief.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Printed Name of Signatory)

\* Attach additional sheets if necessary.



**U.S. Department of Justice**

*Office of the United States Trustee  
Districts of Kentucky and Tennessee*

318 Customs House  
701 Broadway  
Nashville, Tennessee 37203

615/736-2254  
FAX 615/736-2260

**DEBTOR-IN-POSSESSION STATEMENT FOR DEPOSITORY**

To: Designated Depository

From: Office of the United States Trustee

Case Name: \_\_\_\_\_

Bankruptcy Case No: \_\_\_\_\_

Date: \_\_\_\_\_

The Debtor-in-Possession has stated that the depository (from the attached listing) for the above styled case is

\_\_\_\_\_  
(Designated Depository)

This authorization may be used to establish one or more accounts at the selected depository. It should be provided to and left with bank personnel for their records when opening the debtor-in-possession account(s).

The authorized signatories on these accounts, which must be indicated below, may be determined by the debtor, an officer of the debtor, a general partner of the debtor, or the debtor's attorney.

Authorized Signatories	Title
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Debtor or Debtor's Attorney

\_\_\_\_\_  
For RICHARD F. CLIPPARD  
United States Trustee  
Region 8, Kentucky/Tennessee

LISTING OF DEPOSITORIES  
WHICH HAVE AGREED TO U.S. TRUSTEE GUIDELINES

AmSouth Bank  
AmSouth Center  
315 Deaderick Street  
Nashville, TN 37237-0721  
ATTN: Branch Manager, Main Office Downtown  
(615) 748-2935

Bank of America (NationsBank)  
901 Main Street, 10<sup>th</sup> Floor  
Dallas, TX 75137  
ATTN: Tammie Danforth  
(877) 757-8233

Bank of Commerce  
200 Public Square  
Woodbury, TN 37190  
ATTN: Betty Rigsby  
(615) 563-5091

Boatmen's Bank of Tennessee  
6060 Poplar Avenue  
Memphis, TN 38119  
ATTN: Bill Butler  
(901) 537-7040

Capital Bank & Trust Co.  
1820 West End Avenue  
Nashville, TN 37203  
ATTN: Janice C. Patrick  
(615) 327-9000

Chase Manhattan Bank/MH Financial  
Systems, Inc.  
8 Corporate Park, Suite 230  
Irvine, CA 92606  
ATTN: Rosie Valdivia  
(800) 634-7734 ext. 11

Farmers & Merchants Bank  
322 Main Street  
Clarksville, TN 37040  
ATTN: DeWayne Olive  
(615) 553-4660

Farmers & Merchants Bank  
320 Main Street  
P. O. Box 128  
Waterloo, AL 35677  
ATTN: T. D. Ray  
(256) 766-2579

First Capital Bank  
1725 Indian Trail Road  
Norcross, GA 30093  
ATTN: Charles E. Marsh  
(770) 381-9996

First Farmers & Merchants  
Bank of Columbia  
P.O. Box 1148  
Columbia, TN 38402-1148  
ATTN: Wilma Kennedy, Customer Service  
(615) 388-3145

First Tennessee Bank - Nashville  
511 Union Street  
P.O. Box 28100  
Nashville, TN 37219  
ATTN: Cash Management Department  
(615) 734-6289

Franklin National Bank  
230 Public Square  
Franklin, TN 37064  
ATTN: Andrea Schnarrs  
(615) 790-2265

Fremont National Bank & Trust Co.  
P. O. Box 228  
Fremont, NE 68025  
ATTN: Joyce Klebe  
(402)753-2220

LaSalle National Bank  
135 South LaSalle Street  
Suite 2850  
Chicago, IL 60603  
ATTN: Angela Rinaldi  
(312) 904-8115

Legends Bank  
P. O. Box 1066  
Clarksville, TN 37041  
ATTN: TyJuana Hogan  
(931) 503-1234

National Bank of Commerce  
Cash Management/Trustee Management  
One Commerce Square  
Memphis, TN 38150  
ATTN: John Fisher  
(901) 523-3326

Peoples Bank  
601 Highway 46 South  
Dickson, TN 37055  
ATTN: Kenneth Petty  
(615) 446-9091

Pinnacle National Bank  
211 Commerce Street  
Suite 300  
Nashville, TN 37201  
ATTN: Norma J. Wallace  
(615) 744-3745

PNC Bank, Kentucky, Inc.  
500 West Jefferson Street  
Louisville, KY 40202  
ATTN: Henry D. Goss  
(502) 581-2100

Premier Bank of Brentwood  
5217 Maryland Way  
Suite 100  
Brentwood, TN 37067  
ATTN: Cassie Kirkus  
(615) 370-2270

Progressive Savings Bank FSB  
1011 Highway 127 South  
Jamestown, TN 38556  
ATTN: Lyndon Rains  
(931) 879-5836

SouthTrust Bank  
230 Fourth Avenue, North  
Nashville, TN 37219  
ATTN: Kris Salisbury  
(615) 880-4047

SunTrust Bank, Nashville, N.A.  
201 Fourth Avenue North  
P.O. Box 305110  
Nashville, TN 37230-5110  
ATTN: Steven Taylor/Barbara Rogers  
(615) 748-4735

Wayne County Bank  
P. O. Box 247  
Waynesboro, TN 38485  
ATTN: Dorothy Morris  
(615) 722-5438

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## UNITED STATES TRUSTEE DEPOSITORY GUIDELINES

1. Report monthly to this office regarding each currently open bankruptcy account in that institution. The report should include the trustee's name (if any) debtor's name, case number, current checking balance, current savings or cash deposit balance, the sum of the checking and interest bearing accounts and the total amounts of securities pledged to the United States Trustee for each account. Monthly reports are required even though the financial institution may not have active bankruptcy accounts.

2. Deposit with a Federal Reserve Bank securities of the kind specified in Section 9303 of Title 31 of the United States Code in the amount by which each account balance exceeds FDIC or FSLIC insurance limits. When these securities are deposited, a copy of the Federal Reserve document evidencing the deposit must be sent to this office.

3. On request, provide a certification that a particular trustee did not receive favorable treatment from the depository on non-trustee related business because of the trustee's bankruptcy accounts.

4. Open bankruptcy accounts only when presented with a "Notice to Trustee of Appointment and Fixing Amount of Bond", or "Debtor-In-Possession Statement for Depository" signed by the United States Trustee or his designee.

5. Comply in any other manner with subsequent requirements established by the Office of the United States Trustee.

6. All account statements shall be mailed to the trustee in whose name the account was opened or to the debtor-in-possession in whose name the account was opened. For trustee accounts, only the trustee in whose name the account was opened is authorized to sign checks or make withdrawals unless the depository is otherwise instructed in writing by this office. For debtor-in-possession accounts only those persons named as signatories on the "Debtor-In-Possession Statement for Depository" are authorized to sign checks or make withdrawals unless the depository is instructed otherwise in writing by this office.

7. No service charge or charge for printed checks may be assessed the appointed trustee in Chapter 7 bankruptcy cases.

8. Trustee accounts and checks must be styled as follows: "Estate of Jane Smith, Debtor, John Jones, Trustee, Case Number 392-00001." Debtor-in-possession accounts and checks must be styled "ABC, Inc., Debtor-In-Possession, Case Number 392-00002."

INSURANCE EXPIRATION STATEMENT\*

NAME/ADDRESS OF INSURANCE COMPANY	TYPE OF INSURANCE (LIABILITY, FIRE ETC.) & PROPERTY INSURED	NAME OF INDIVIDUAL AGENT	EXPIRATION DATE OF POLICY	DATE NEXT PREMIUM DUE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I declare under penalty of perjury that the information provided above and on any attachments hereto is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Printed Name of Signatory)

\* Attach additional sheets if necessary.